



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,345	06/03/2002	Yoshimasa Morimoto	ACO 307	2919

23581 7590 05/06/2003

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

EXAMINER

GUADALUPE, YARITZA

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,345

Applicant(s)

MORIMOTO, YOSHIMASA

Examiner

Yaritza Guadalupe

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002 and 22 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1 - 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4 and 6 - 8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Johnson et al. (US 2,866,270).

Johnson et al. discloses an angle determinator comprising a pair of first rulers (10, 11) each having a linear portion and being pivotally supported (12, 23, 25) at any position along the linear portions so as to be freely pivotable relative to each other, a pair of second rulers (16, 17) each having a linear portion and being pivotally supported (23, 24, 25) at any position along the

linear portions so as to be freely pivotable relative to each other, and being pivotally coupled to the first rulers respectively, so that a parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines (See Figure 1).

Johnson et al. further discloses a reference ruler (14) having a linear portion, supporting the pivotal axes for the pairs of first and second rulers such that said two pivotal axes (24) are respectively coupled to positions along the linear portion of the reference ruler and permitting at least either one of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram, wherein one or more angles among the ones formed by the pair of first rulers, the pair of second rulers and by the reference ruler are specified as angles to be obtained.

Johnson et al. further discloses a locking portion (13, 24, 26) for permitting and restraining the movement of said pivotal axis in the direction of the diagonal line and the pivot of at least one of the pair of first rulers and second rulers. Johnson et al. also discloses said locking portion comprising an external thread portion (13, 24, 26) formed on said two pivotal axes respectively and internal thread portions into which the external thread portions are screwed respectively.

Johnson et al. discloses the reference ruler provided with scale indicia (20, 21) used for indicating said angles to be obtained according to the position of said pivotal axis (See Column 2, lines 66 – 67), said pivotal axis provided with a mark (15) used for pointing out a scale division corresponding to the position of the pivotal axis.

Johnson et al. discloses the first rulers (10, 11), the second rulers (16, 17) and the reference ruler (14) each have a uniform width and thickness (as suggested from the figures) in a direction along the linear portion. Johnson et al. further discloses the pair of first and second rulers (10, 11, 16, 17) respectively extending beyond their coupling point at which the pair of first rulers / second rulers are coupled to each other (See Figures), wherein the pair of first rulers is substantially twice longer than the other pair of rulers.

4. Claims 1 and 5 are rejected under 35 U.S.C. 102 (b) as being anticipated by Thompson (US 1,995,658).

Thompson discloses a device comprising a pair of first rulers (B^1 , B^2) each having a linear portion and being pivotally supported (13, 16, 28, 29) at any position along the linear portions so as to be freely pivotable relative to each other, a pair of second rulers (26, 27) each having a linear portion and being pivotally supported (28, 29, 25) at any position along the

linear portions so as to be freely pivotable relative to each other, and being pivotally coupled to the first rulers respectively, so that a parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines.

Thompson further discloses a reference ruler (S) having a linear portion, supporting the pivotal axes for the pairs of first and second rulers such that said two pivotal axes are respectively coupled to positions along the linear portion of the reference ruler and permitting at least either one of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram, wherein one or more angles among the ones formed by the pair of first rulers, the pair of second rulers and by the reference ruler are specified as angles to be obtained.

Thompson teaches the reference ruler supporting said pivotal axis so as to be freely slidable in the direction of the diagonal line and comprising a uniform guide groove (20) through its entire length and wherein said pivotal axis has a shape that allows to slide in the groove without rattling.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102 (b) as being anticipated by Repell (US 1,660,578).

Reppell discloses a device comprising a pair of first rulers (1, 2) each having a linear portion and being pivotally supported (3, 17, 18) at any position along the linear portions so as to be freely pivotable relative to each other, a pair of second rulers (15, 16) each having a linear portion and being pivotally supported (17, 18, 5) at any position along the linear portions so as to be freely pivotable relative to each other, and being pivotally coupled to the first rulers respectively, so that a parallelogram having four sides of equal length is defined by connecting four pivotal axes with straight lines.

Reppell further discloses a reference ruler (4) having a linear portion, supporting the pivotal axes for the pairs of first and second rulers such that said two pivotal axes are respectively coupled to positions along the linear portion of the reference ruler and permitting at least either one of said two pivotal axes to freely move in a direction along a diagonal line of the parallelogram, wherein one or more angles among the ones formed by the pair of first rulers, the pair of second rulers and by the reference ruler are specified as angles to be obtained.

Reppell teaches the reference ruler supporting said pivotal axis so as to be freely slidable in the direction of the diagonal line and comprising a uniform guide groove (7) through its entire length and wherein said pivotal axis has a shape that allows to slide in the groove without rattling.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered of relevance to the present application :

- a. Lowe & Leiter (US 232,988)
- b. Cooper (US 2,259,619)
- c. Gustafson (US 3,844,043)
- d. Graham (US 70,547)
- e. Paull (US 4,267,637)
- f. Elwert (US 2,330,414)
- g. Joiner (US 1,181,388)
- h. Linn (US 1,238,536)
- i. Balatti (US 1,325,606)
- j. Sweezey (US 1,270,564)
- k. Hastings (US 2,190,404)
- l. Meek (US 5,414,938)

Art Unit: 2859

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (703)305 -5676.

The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-4467 for regular communications and (703)872-9318 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Yaritza Guadalupe
Patent Examiner
Art Unit 2859
May 1, 2003

DIEGO F.F. GUTIERREZ
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2800